

Appln No. 10/644,008
Amdt. Dated September 16, 2004
Response to Office action of August 12, 2004

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REMARKS/ARGUMENTS***Double Patenting***

The Examiner provisionally rejected claims 1-10 of the present application under 35 U.S.C. 101 as claiming the same invention as that of claims 1-10 of co-pending Application No. 10/676,044. The rejection is respectfully traversed as the applicants have now amended all of the claims of co-pending Application No. 10/676,044, such that the same invention is no longer claimed by both applications. (Please see the response to the Office Action mailed July 13, 2004 concerning Application No. 10/676,044.)

Further, the Applicants submit that a nonstatutory obviousness type double patenting rejection of the present claims is not appropriate in light of the terminal disclaimer in compliance with 37 CFR 1.321(c) concerning Application No. 10/676,044 that was filed with the previous response.

Accordingly, it is submitted that the application is now in condition for allowance. Reconsideration and allowance of the application is courteously solicited.

Very respectfully,

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